

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 12-7328

DWIGHT XAVIER JONES,

Plaintiff - Appellant,

v.

SERGEANT CLAWSON, Lexington County Detention Center;
CORRECTIONAL OFFICER JOHNATHAN JEFFCOAT, Lexington County
Detention Center; CORRECTIONAL OFFICER RANDLE, Lexington
County Detention Center; JASON MERRILL, Cayce Public
Safety,

Defendants - Appellees.

Appeal from the United States District Court for the District of
South Carolina, at Orangeburg. R. Bryan Harwell, District
Judge. (5:11-cv-01533-RBH)

Submitted: October 11, 2012 Decided: October 16, 2012

Before KING, DUNCAN, and DIAZ, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Dwight Xavier Jones, Appellant Pro Se. Daniel C. Plyler,
DAVIDSON & LINDEMANN, PA, Columbia, South Carolina, for
Appellees.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Dwight Xavier Jones appeals the district court's order denying relief on his 42 U.S.C. § 1983 (2006) complaint. The district court referred this case to a magistrate judge pursuant to 28 U.S.C.A. § 636(b)(1)(B) (West 2006 & Supp. 2012). The magistrate judge recommended that relief be denied and advised Jones that failure to file timely and specific objections to this recommendation could waive appellate review of a district court order based upon the recommendation.

The timely filing of specific objections to a magistrate judge's recommendation is necessary to preserve appellate review of the substance of that recommendation when the parties have been warned of the consequences of noncompliance. Diamond v. Colonial Life & Accident Ins. Co., 416 F.3d 310, 315-16 (4th Cir. 2005); Wright v. Collins, 766 F.2d 841, 845-46 (4th Cir. 1985). Jones has waived appellate review by failing to file specific objections after receiving proper notice. Accordingly, we affirm the judgment of the district court.

We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

AFFIRMED